

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>ROBERT TWYMAN, JR. (#147435),</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL ACTION NO. 2:06-CV-833-MEF</b>
	)	
<b>ALABAMA DEPARTMENT</b>	)	
<b>OF CORRECTIONS, et al.,</b>	)	
	)	
<b>Respondents.</b>	)	

**SUPPLEMENT TO RESPONSE**

Come now the Respondents in the above styled cause, by and through undersigned counsel, and submit this supplement to the response filed on November 8, 2006 and November 30, 2006. The Respondents state as follows:

1. That the Respondents filed their response on November 8, 2006 and another response on November 30, 2006.
2. That the Respondents were unable to obtain the attached exhibit until December 14, 2006.
3. That the Respondents rely upon this exhibit as a defense to the Petitioner's claims.

Wherefore these premises considered, the Respondents pray that this Honorable Court will accept this supplement to their responses.

Respectfully submitted,

Kim T. Thomas (THO115)  
Deputy Attorney General  
General Counsel

/s/ Tara S. Knee  
Tara S. Knee (KNE003)  
Assistant Attorney General  
Assistant General Counsel

**OF COUNSEL:**

Alabama Department of Corrections  
Legal Division  
P. O Box 301501  
Montgomery, Alabama 36130  
(334)353-3881  
FAX: (334)353-3891

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14<sup>th</sup> day of November, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following (or by U.S. Mail to the non-CM-ECF participants):

Inmate Robert Twyman, Jr.  
AIS #147435  
Draper Correctional Facility  
P.O. Box 1107  
Elmore, Alabama 35025

/s/ Tara S. Knee  
Tara S. Knee (KNE003)  
Assistant Attorney General  
Assistant General Counsel

IN THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF ALABAMA

Robert Twymon, Jr., AIS No. 147435  
Plaintiff

vs.

Alabama Department of Corrections, et al.  
Defendant

CASE NO. 2:06-CV-833-MEF

A F F I D A V I T

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared one Kathy Holt, who being known to me and being by me first duly sworn, deposes and says on oath as follows:

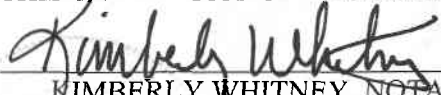
My name is Kathy Holt. I am presently employed by the State of Alabama, Department of Corrections, as Correctional Records Director, 301 South Ripley Street Montgomery, Alabama 36104.

This is to certify that Robert Twymon, AIS No. 147435, was paroled May 27, 1996, declared delinquent June 8, 1998, recaptured February 13, 2004 and revoked April 14, 2004, for a total of five years, eight months and five days of dead time. The fugitive warrant for inmate Twymon was issued June 9, 1998 by the Alabama Department of Corrections, Pursuant to Code of Alabama, 1975 §15-22-31, it is the responsibility of the Alabama Department of Corrections and not the Alabama Pardon and Parole Board to issue warrants for the retaking and return of prisoners.

In addition, a county warrant was placed on Inmate Twymon on March 29, 2004, from Talladega County Sheriff's Office for Contempt of Court/Failure to Appear/Owes Child Support (CS#87-339). See attached Inmate Summary.

  
KATHY HOLT  
Director of Records

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS THE 14<sup>th</sup> DAY OF DECEMBER 2006

  
KIMBERLY WHITNEY, NOTARY PUBLIC  
State of Alabama at Large  
My Commission Expires October 27, 2009

cc: ICRF

TO: Tara Knee, Legal Division

C8R716-2

ALABAMA DEPARTMENT OF CORRECTIONS  
INMATE SUMMARY AS OF 10/26/2006

CODE: CRSUM

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AIS: 00147435 INMATE: TWYMON, ROBERT JR RACE: B SEX: M

INST: 004 - DRAPER CORRECTIONAL CENTER DORM: 00 JAIL CR: 000Y 00M 05D

DOB: 07/27/1956 SSN: 421-74-9226

ALIAS: TWYMAN, ROBERT JR

ADM DT: 08/28/1987 DEAD TIME: 005Y 08M 05D

ADM TYP: NEW COMIT FROM CRT W/O REV OF STAT: PAROLE REVOKED

CURRENT CUST: MED-9 CURRENT CUST DT: 05/03/2004 PAROLE REVIEW DATE: FEB 2009

SECURITY LEVEL: REVIEW BOARD DATA NOT YET ENTERED

SERVING UNDER ACT446 LAW IN CLASS IV CURRENT CLASS DATE: 12/28/1989

INMATE IS EARNING : PROHIBITED FROM EARNING GOODTIME

COUNTY	SENT DT	CASE NO	CRIME	JL-CR	TERM
TALLADEGA	06/30/87	N87000124	POSS CONTROL SUBSTANCE	* 0005D	005Y 00M 00D CS
			COURT COSTS : \$0000158	FINES : \$0000000	RESTITUTION : \$0000075
TALLADEGA	06/30/87	N87000123	POSS CONTROL SUBSTANCE	* 0005D	005Y 00M 00D CC
			COURT COSTS : \$0000178	FINES : \$0000000	RESTITUTION : \$0000025
TALLADEGA	05/18/89	N89000070	ASSAULT I	0000D	020Y 00M 01D CS
			ATTEMPT TO COMMIT		
			ATTORNEY FEES : \$0000000	HABITUAL OFFENDER : Y	
			COURT COSTS : \$0000645	FINES : \$0000000	RESTITUTION : \$0000025

TOTAL TERM	MIN REL DT	GOOD TIME BAL	GOOD TIME REV	LONG DATE
025Y 00M 01D	09/04/2015	000Y 00M 00D	000Y 00M 00D	02/28/2018

INMATE LITERAL:

## DETAINER WARRANTS SUMMARY

>DET HRT 03/29/2004 TYPE COUNTY WARRANT TALLADEGA COUNTY S.O.

LITERAL: CONTEMPT CT/FTA/OWES CHILD SUP SEQ #: 03 CASE #: CS#87-339

OFFENSE: 000 - UNKNOWN

## ESCAPEE-PAROLE SUMMARY

PAROLED FRM 009:05/27/96 RVK:04/14/04 DELQ:06/08/98 RECAP:02/13/04 RTN:02/13/04

INMATE CURRENTLY HAS NO PROBATION 754 RECORDS

INMATE HAS NO ESCAPES FROM ADOC SINCE OBSCIS RECORDING B

CONTINUED ON NEXT PAGE

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ALABAMA DEPARTMENT OF CORRECTIONS  
INMATE SUMMARY AS OF 10/26/2006

CODE: CRSUM

\*\*\*\*\* CONTINUATION \*\*\*\*\*

AIS: 00147435 INMATE: TWYMON, ROBERT JR RACE: B SEX: M

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## DISCIPLINARY/CITATION SUMMARY

>> DISCIPLINE: 03/09/2006 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9  
DISCIPLINE TYPE: MAJOR AT INST: 037 RULE NUMBER: 50  
RETAINED DAYS: 0000 SEQ #: 05 RULE LIT: BEING IN AN UNAUTHORIZED AREA

>> DISCIPLINE: 02/23/1993 TIME LOST: 00Y00M00D CUST FROM MIN9 TO MIN9  
DISCIPLINE TYPE: MAJOR AT INST: 069 RULE NUMBER: 56  
RETAINED DAYS: 0000 SEQ #: 04 RULE LIT: FAIL TO OBEY A DIRECT ORDER OF DO

>GOOD TIME 06/19/1989 AMT GT RESTORED 00Y02M00D CUST FROM MED3 TO MED3  
GOOD FROM 00/00/0000 TO 00/00/0000 SEQ #: 03

>GOOD TIME 03/09/1989 AMT GT RESTORED 00Y02M00D CUST FROM MED3 TO MED3  
GOOD FROM 00/00/0000 TO 00/00/0000 SEQ #: 02

>> DISCIPLINE: 05/02/1988 TIME LOST: 00Y04M00D CUST FROM COM2 TO COM5  
DISCIPLINE TYPE: MAJOR AT INST: 161 RULE NUMBER: E7  
RETAINED DAYS: 0180 SEQ #: 01 RULE LIT: BEING ARRESTED/CONVICTED OF A FEL